

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: HRL Inc.
19200 HWY 278
Dillon, MT 59725
2. Type of action: Application to Change a Water Right 41I 30122052
(Statement of Claim No. 41B 142923-00)
3. Water source name: Estler Creek Reservoir
4. Location affected by project: Sections 29, 30, 31, and 32, T7S, R9W, Section 25, T7S, R10W, and Section 6, T8S, R9W all in Beaverhead County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to change the secondary points of diversion and place of use of Claim No. 41B 142923. The primary diversion is located in the NWSENE of Section 29, T5S, R11W, in Beaverhead County, and will not be changed. The historical place of use is 306 acres located in the SW of Section 29, and the N2 of Section 32, T7S, R9W, both in Beaverhead County. Water will continue to be released from the primary POD at Estler Reservoir using Rattlesnake Creek as a natural carrier to the proposed secondary points of diversion located in the NENENW (4 diversions), and the NWNESE of Section 30, T7S, R9W, and the NESENE of Section 24, R7S, 10W, all in Beaverhead County. Water will supplement the entire place of use of HRL's historic water rights from Rattlesnake Creek and Estler Creek, 41B 110576 – 41B 110588, (13 Claims) that irrigate 1168.40 acres. The proposed place of use is located in Section 29, 30, and 31 of T7S, R9W, the NE and SE of Section 25, T7S, R10W, and the NE and NW of Section 6, T8S, 9W, all in Beaverhead County.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Department of Environmental Quality (MDEQ)
Montana Natural Heritage Program
Montana Department of Fish Wildlife & Parks

TMDL Information
Endangered-Threatened Species
Dewatered Stream Information

Part II. Environmental Review

1. Environmental Impact Checklist:

<h2>PHYSICAL ENVIRONMENT</h2>

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No Significant Impact

Rattlesnake Creek is on DFWP list of chronically dewatered streams. There will be no increase in water use following this proposed change. This change involves water released from Estler Reservoir using Rattlesnake Creek as a natural carrier and will only be used supplemental to irrigation that is already occurring.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No Significant Impact

The change involves storage water from Estler Reservoir, using Rattlesnake Creek as a natural carrier. Rattlesnake Creek is listed as Category 5 in DEQ's water quality assessment, from the headwaters to the mouth of Van Camp Slough. The proposed water right change is unlikely to have any impact on water quality conditions as it will only be used supplemental to irrigation that is already occurring.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No Significant Impact

The change involves storage water from Estler Reservoir, using Rattlesnake Creek as a natural carrier.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No Significant Impact

Water will continue to be released from the primary POD at Estler Reservoir using Rattlesnake Creek as a natural carrier to the proposed secondary points of diversion located in the NENENW (4 diversions), the NWNESE of Section 30, T7S, R9W, and the NESENE of Section 24, R7S, 10W, all in Beaverhead County. The proposed diversions are already in place and used for existing irrigation by the Applicant. The change will allow Claim No. 41B 142923 to be used supplemental to the Applicants existing water rights.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No Significant Impact

The Montana Natural Heritage Program identified the following species of concern within the project area: Long-billed Curlew (*Numenius americanus*), Golden Eagle (*Aquila chrysaetos*), Bald Eagle (*Haliaeetus leucocephalus*), Great Blue Heron, (*Ardea Herodias*), Greater Sage-Grouse (*Centrocercus urophasianus*), Pygmy Rabbit (*Brachylagus idahoensis*), Bat Roost (Non-Cave).

For other *potential* species of concern, please request the complete species summary.

The proposed change is intended to move the secondary points of diversion and place of use to land that is already being irrigated. The change in the points of diversion, and place of use should not adversely impact any of the species of concern within this project area. The Applicant has also received a consultation and review letter from Montana Sage Grouse Habitat Conservation Program affirming that the activities related to this change application are consistent with the Montana Sage Grouse Conservation Strategy.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No Significant Impact

The Montana Natural Heritage Program identifies the proposed points of diversion and place of use as falling within Emergent Wetland and Palustrine and Riparian Scrub-Shrub Wetland. The proposed change is intended to be used supplemental to land that is already being irrigated.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No Significant Impact

The project does not involve any ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No Significant Impact

The use of water released from Estler Reservoir using Rattlesnake Creek as a natural carrier for irrigation will not cause degradation of soil quality or stability. The soils at Rattlesnake Creek are not susceptible to saline seep. The proposed change will be used supplemental to irrigation already occurring.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Significant Impact

No impacts are expected to occur from existing vegetative cover. The proposed change would be used supplemental to irrigation that is already occurring. The project is located on private property, and the applicants will be responsible for controlling noxious weeds. Disturbances to vegetative cover will be equal to or less than what occurred under historical practices.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Significant Impact

Adverse air quality impacts from increased air pollutants are not expected as a result of this project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A

The project is not located on State or Federal land. This section is not applicable.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Significant Impact

None identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: No Significant Impact

There are no locally adopted environmental plans or goals.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No Significant Impact

The proposed project will not impact access to or the quality of recreational and wilderness activities.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: No Significant Impact

The proposed project will not impact human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_XX__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No Significant Impact

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.

(f) Demands for government services? No impact.

(g) Industrial and commercial activity? No impact.

(h) Utilities? No impact.

(i) Transportation? No impact.

(j) Safety? No impact.

(k) Other appropriate social and economic circumstances? No impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified

Cumulative Impacts None identified.

3. *Describe any mitigation/stipulation measures:* None identified

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* No alternative identified.

PART III. Conclusion

1. *Preferred Alternative* N/A

2. *Comments and Responses* N/A

3. *Finding:*

Yes___ No XX___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

This project has little, to no negative environmental impact, therefore there is no substantial change in management related to this water right.

Name of person(s) responsible for preparation of EA:

Name: Kristeen Wofford

Title: Water Resource Specialist

Date: 9/20/2021